IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6077 OF 2005
IN
CRIMINAL APPLICATION NO.2171 OF 1994

Shri.Joseph L.Miranda ..Applicant

Vs.

Shri.Arun Arora & Anr. ..Respondents

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Dimple Shah i/b Mrs.Sarita Mishra Advocate for Applicant
Mr.Mahesh Sabnis for Respondent Nos.1 and 2
Mr.Rajesh More A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 26,2005

P.C.

1. Heard the learned advocate for the applicant i.e. original complainant, learned advocate for respondent nos.1 and 2 i.e. original accused and the learned A.P.P. for the State.

2. The complainant has preferred the present application stating therein that the dispute has been amicably settled between him and the accused

persons and he does not wish to pursue his complaint. The said complaint is bearing No.102/S/1994 which is pending before the learned Addl.Chief Metropolitan Magistrate, 4th Court, Girgaum, Mumbai. The said case is under Sections 323, 352, 506 r.w. 34 and 114 of IPC.

3. The learned counsel for the applicant submits that in view of the settlement, the case ought to be quashed. Reliance is placed on various decisions of the Supreme Court and this Court wherein when the parties have amicably settled the dispute, the proceedings in those cases have been quashed. Reliance is placed on the following decisions:

1) **B.S.Joshi Vs. State of Haryana,**
   AIR 2003 SC 1386;
2) **Fahimuddin Vs. State of U.P.**
   AIR 1981 SC 2008(3);
3) **Judgment of the Division Bench of this Court in Cri.W.P.No.1672 of 2002 dated 20.12.2002 [Alan Douglas Grant Vs. State of Mah.]**
4) **Order dated 27.3.2001 passed by His Lordship**

Mr.Justice S.S.Parkar in Cri.W.P.No.366 of 2001.

4. Looking to the fact that the matter has been amicably settled between the parties and looking to the fact that complainant does not wish to pursue his complaint, I am of the opinion that no purpose would be achieved by continuing with the prosecution in the said case. In this view of the matter, proceedings i.e. complaint bearing No.102/S/1994 pending before the learned Addl.Chief Metropolitan Magistrate, 4th Court, Girgaum, Mumbai are quashed.

5. Application is disposed of.

[V.K.TAHILRAMANI,J.]